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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,434	12/31/2003	Stephen Lawrence	24207-10095	9581
63296 7590 05/12/2011 GOOGLE / FENWICK SILICON VALLEY CENTER 801 CALIFORNIA ST. MOUNTAIN VIEW, CA 94041				
			EXAMINER KIM, PAUL	
			ART UNIT 2169	PAPER NUMBER
			NOTIFICATION DATE 05/12/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoc@fenwick.com

Office Action Summary**Application No.**

10/749,434

Applicant(s)

LAWRENCE ET AL.

Examiner

PAUL KIM

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25, 26, 54, 55 and 62-105 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25, 26, 54, 55 and 62-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-845)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is responsive to the following communication: BPAI Decision mailed on 28 February 2011.
2. Claims 25, 26, 54, 55 and 62-105 are pending and present for examination. Claims 25 and 54 are in independent form.

Response to Amendment

3. As per the Board Decision mailed on 28 February 2011, Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 25-26, 54-55, 62-63, 71, 80, 83-84, 92, 101, and 104-105** are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchiyama, USPGPUB No. 2002/0065802, filed on 30 May 2001, and published on 30 May, 2002, in view of Herz, U.S. Patent No. 6,029,195, filed on 5 December 1997, claiming priority to 9 December 1996, and issued on February 2000.
6. **As per independent claims 25, 54, 104, and 105**, Uchiyama, in combination with Herz, discloses:

A method comprising:

Art Unit: 2169

determining client-side behavior data associated with an article {See Uchiyama, [0058], wherein this reads over "the program code . . . may monitor the activity of the browser software so as to collect information concerning that user's browsing behavior, habits, preferences, biases";

providing the client-side behavior data associated with the article to a ranking processor {See Uchiyama, [0059], wherein this reads over "[t]he program code 140 then, may transmit collected data to the central server 120 for recordation, categorization, and aggregation with data collected from other users";

calculating a predetermined client behavior score {See Herz, C18:L10-39, wherein this reads over "the filtering system uses relevance feed back to refine its knowledge of the user's interest" and "a typical formula for assessing interest in a document via passive feedback, in the domain, on a scale of 0 to 10") for the article based at least in part on the client-side behavior data associated with the article {See Uchiyama, [0092], wherein this reads over "[t]he system, therefore, may provide customized search results by utilizing user profile information collected for each respective individual and comparing that user profile data with the statistical data concerning a given potential search result. Each prospective search result may be weighted or ranked, for example, at least partially as a function of the comparison with the user profile data";

storing the predetermined client behavior score in a data store, wherein the data store associates the predetermined client behavior score with the article {See Uchiyama, [0062], wherein this reads over "[a]s a user visits various sites during browsing session, relevant information is collected at the client side and transmitted to the central server 120, where it may be stored in appropriate database records associated with the user, the URL or site itself";

receiving a search query {See Uchiyama, [0058], wherein this reads over "[k]eywords or query terms which the user submitted prior to navigating to the Web site"; and [0073];

determining that the article is associated with the search query {See Uchiyama, [0074]; and [0091], wherein this reads over "[b]y compiling data from registered users in the database within the central server 520, search results for any given query will improve over time";

receiving from the data store the predetermined client behavior score associated with the article {See Uchiyama, [0086]; and {See Uchiyama, [0092], wherein this reads over "provide customized search results by utilizing user profile information collected for each respective individual";

arranging the article in a search result of the search query based at least in part on the predetermined client behavior score associated with the relevant article {See Uchiyama, [0093]; and [0092], wherein this reads over "[e]ach prospective search result may be weighted or ranked, for example, at least partially as a function of the comparison with the user profile data"; and

displaying at least a part of the search result to a user {See Uchiyama, Figures 7 and 8}.

Uchiyama is directed to the invention of collecting explicit and implicit data related to a user's browsing activity. Specifically, Uchiyama discloses that relevant information is collected at the client side related to the user's browsing session. However, Uchiyama fails to expressly teach the method step of "calculating a predetermined client behavior score" wherein the behavior score is a numeric value. Herz

Art Unit: 2169

is directed to the system for customized electronic identification of desirable objects wherein a user's interest level is calculated according to the user's browser history. Specifically, Herz discloses the use of active and passive feedback in calculating a score for a set of documents. See Herz, col. 18, lines 10-39. Accordingly, it would have been obvious to one of ordinary skill in the art to improve the prior art of Uchiyama with the disclosed invention of Herz such that that the client behavior data of Uchiyama may be numerically quantified to provide a numeric score as disclosed by the invention Herz.

7. **As per dependent claims 62 and 83**, Uchiyama, in combination with Herz, discloses

The method of claim 26, wherein the search query is an explicit search query (See Uchiyama, [0058], wherein this reads over "[k]eywords or query terms which the user submitted prior to navigating to the Web site").

8. **As per dependent claims 63 and 84**, Uchiyama, in combination with Herz, discloses

The method of claim 26, wherein the search query is an implicit search query (See Uchiyama, [0058], wherein this reads over "[k]eywords or query terms which the user submitted prior to navigating to the Web site").

9. **As per dependent claims 71 and 92**, Uchiyama, in combination with Herz, discloses

The method of claim 25, wherein the client-side behavior data associated with the relevant article comprises frequency of article access data (See Uchiyama, [0117], wherein this reads over "organize search results according to the most popular, or most frequently visited URLs").

10. **As per dependent claims 80 and 101**, Uchiyama, in combination with Herz, discloses

The method of claim 25, further comprising determining a combined score based at least in part on client-side behavior data for multiple users (See Uchiyama, [0014], wherein this reads over "operate to gather and to collect human knowledge by monitoring users' activities on the client or browser side"; [0086], wherein this reads over "compare the respective data store in two users' respective profiles and subsequently compute a relative measure of the compatibility").

11. **Claims 64-70, 72-79, 81-82, 85-91, 93-100, and 102-103** are rejected under 35 U.S.C.

103(a) as being unpatentable over Uchiyama, in view of Herz, and in further view of Official Notice.

12. **As per dependent claims 64 and 85**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise scrolling activity data (i.e. whether the user scrolled down the relevant article to view more of the content).

Art Unit: 2169

13. **As per dependent claims 65 and 86**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise printing data (i.e. whether the user printed out the relevant article).

14. **As per dependent claims 66 and 87**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise book marking data (i.e. whether the user bookmarked an article).

15. **As per dependent claims 67 and 88**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise use of computer program application data (i.e. the type of browser utilized by the user).

16. **As per dependent claims 68, 70, 89, and 91**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the use of computer program application data is used in connection with additional client-side, behavior data (i.e. data regarding the type of browser utilized may be combined with other featured behavior data to build a user profile).

17. **As per dependent claims 69 and 90**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise idleness data.

18. **As per dependent claims 72 and 93**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise time of access data (i.e. the time the user accessed the relevant article).

19. **As per dependent claims 73 and 94**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data

Art Unit: 2169

associated with the relevant article could comprise time of access relative to the access of other associated articles data (i.e. the proximity in time of accessed articles by the user).

20. **As per dependent claims 74 and 95**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise forwarding data (i.e. whether the user forwarded the data to another user or entity).

21. **As per dependent claims 75 and 96**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise copying data (i.e. whether the user copies portions of data from the relevant article).

22. **As per dependent claims 76 and 97**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise replying data (i.e. whether the user provided a response to the relevant article via voting or commenting).

23. **As per dependent claims 77 and 98**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise mouse movement data (i.e. the regions of the relevant article or application which the user may have navigated the mouse).

24. **As per dependent claims 78 and 99**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise user interactions with a separate article data.

25. **As per dependent claims 79 and 100**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise location data (i.e. the IP address or geographical region wherein the user is located).

26. **As per dependent claims 81 and 102**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art to combine a plurality of types of client-side behavior data to determine and provide a combined score for use in ranking the relevant articles according to said client-side behavior data.

27. **As per dependent claims 82 and 103**, the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that different weights for different types of behavior data would be used in the computation of the score such that certain behavior data would be accorded more weight than others.

Response to Arguments

28. Applicant's arguments with respect to claim rejections under 35 U.S.C. 102 and 35 U.S.C. 103 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL KIM whose telephone number is (571)272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2169

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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